

Appln No. 10/688,781

Amdt date March 19, 2007

Reply to Office action of December 18, 2006

REMARKS/ARGUMENTS

In the Office action dated December 18, 2006, the examiner rejected claims 1, 3-9 and 11-24 under 35 U.S.C. §102(e) as allegedly anticipated by DeJonGhe et al. (U.S. Patent No. 6,911,280)("the De JonGhe '280 patent") or Visco, et al. (U.S. Patent No. 6,025,094). However, applicants have amended independent claims 9 and 14 to recite that the pre-treatment layer is deposited to a thickness ranging from about 50 to about 5000Å. Accordingly, each of the independent claims, namely 1, 5, 9, 14 and 16, now recite that the pre-treatment layer has a thickness of from about 50 to about 5000Å. Although De JonGhe claims a priority date of December 21, 2001 based on U.S. Provisional Application Serial No. 60/342,326 ("the '326 provisional application"), that provisional application fails to teach or suggest a pre-treatment layer having a thickness of 50 to 5000Å, as recited in independent claims 1, 5, 9, 14 and 17. That feature was not disclosed until the De JonGhe '280 patent was filed on December 20, 2002, over two months after the October 18, 2002 effective filing date of the present application. Accordingly, De JonGhe is not entitled to the priority date of the '326 provisional application for this element, and is not prior art as to this feature of the claimed invention. With this amendment, applicant submits a certified English translation of the priority document, establishing the October 18, 2002 priority date for the present invention.

Moreover, pre-treatment layers having a thickness within the claimed range exhibit unexpected and desirable results. For example, if the thickness of the pre-treatment layer exceeds about 5000Å, an increase in resistance to lithium ionic conductance results. See specification, page 3, lines 3-5. Neither the De JonGhe '280 patent nor the '326 provisional application teaches or suggests such a correlation between the thickness of the pre-treatment layer and ionic conductivity. Also, neither the De JonGhe '280 patent nor the '326 provisional application teaches or suggests a lithium ion conductive material with an ionic conductivity within the claimed range. Accordingly, independent claims 1, 5, 9, 14 and 17, reciting a pre-

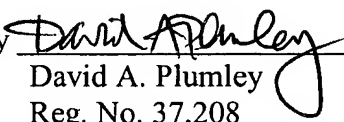
Appln No. 10/688,781
Amdt date March 19, 2007
Reply to Office action of December 18, 2006

treatment layer with a thickness of 50 to 5000Å, are allowable over both the De JonGhe '280 patent and the '326 provisional application.

Turning to Visco, this reference fails to disclose a pre-treatment layer including a lithium conductive material satisfying the formula Li_xPO_y , as recited in independent claims 1 and 9. Visco also fails to teach or suggest the use of pre-treatment layer in addition to a protection layer as recited in independent claims 5, 14 and 17. In addition, Visco fails to teach or suggest a pre-treatment layer having an ionic conductivity within the claimed range. As such, independent claims 1, 5, 9, 14 and 17 are allowable over Visco.

Claims 1, 3-9 and 11-24 remain pending in this application. Applicants have amended independent claims 9 and 14 and submit that all of pending claims 1, 3-9 and 11-24 are in condition for allowance. Applicants therefore respectfully request a timely indication of allowance. However, if there are any remaining issues that can be addressed by telephone, applicants invite the examiner to contact applicants' counsel at the number indicated below.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 
David A. Plumley
Reg. No. 37,208
626/795-9900

LES/les

LDB PAS728573.1-*03/19/07 3:37 PM